

Because she is a woman...

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DOI: [10.5281/zenodo.14605154](https://doi.org/10.5281/zenodo.14605154)**Because she is a woman...**

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Abstract: The aim of this work is to investigate sexual violence starting from the Ukrainian conflict as an example of conflict zone with sexual violence together with war crimes and crimes against humanity. It is developed, from the ad hoc tribunals to the International Criminal Court and the work carried out by the prosecutor. A regulatory framework rich enough to reach a mature level against impunity. The European Union law, through the collaboration of the ICC since 2006 and especially the last years with the Eurojust and Europol, has laid the foundations for a continuous war against impunity and protection of vulnerable people.

Keywords: international criminal law; international crimes; international criminal cooperation; international protection of women; peace and security; conflict-related sexual violence; ICC; European Union; GREVIO; CEDAW; Istanbul Convention; impunity gap; gender perspective.

Introduction

Every form of modern warfare has a devastating nature for the people who suffering and find themselves in a weak situation. Those people who in our days are called vulnerable people are mostly women and children. The war in Ukraine after the invasion of 24 February 2022 had a very difficult result in dealing with vulnerable women and children.

Forms of sexual violence is a topic that is not discussed enough nowadays despite it causes serious damage, injuries to the dignity and physical integrity of the victims in war zones. War exercises criminal practices such as a conduct that is certainly punished on a large scale and especially by the International Criminal Court

(ICC) (Niarchos, 1995; Liakopoulos, 2018; Khater, 2022).

The war in Ukraine is rather new in the international arena however the protection of vulnerable people's initiatives are many, given the serious violations of human rights, that are committed the last three years. The international community was called upon once again to take a position as stated by the human rights Council through the motto

“to collect consolidate and analyze evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information (...) in view of any future legal proceedings (...)”¹.

The expression “to report” means to produce documents at international level. These are published in October 2022² and

¹UN Human Rights Council, Situation of human rights in Ukraine stemming from the Russian aggression, A/HRC/RES/49/1, 4 March 2022, para. 11, lett. b): <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F49%2F1&Language=E&DeviceType=Desktop&LangRequested=False>

²UN Human Rights Council, Report of the Independent International Commission of Inquiry on Ukraine, A/77/533, 18 October 2022:

September 2023³ describing hundreds of sexual violences committed in the territories that are occupied by the Russian armed forces in the Ukrainian provinces, especially in Kyiv, Chernihiv, Kharkiv and Kherson. It was the same commission of inquiry that was created to investigate the phenomenon now accustomed to every war, where women together with their families, were prevented from reporting the competent authorities despite the difficulties they had in accessing medical assistance and justice.

There is obviously a lot of criticism when reading the 2022 report on the topic of conflict-related sexual violence. In this regard, the Secretary General of the United Nations highlighted the context of impunity of crimes that favored the institutions of the erosion of the rule of law in situations that are in crisis.

<https://www.ohchr.org/en/documents/reports/a77533-independent-international-commission-inquiry-ukraine-note-secretary>

3UN Human Rights Council, Report of the Independent International Commission of Inquiry on Ukraine-Advance Unedited Version, A/HRC/52/62, 16 March 2023.

Especially, he affirmed the “risk of the “rule of lawlessness””⁴.

The Secretary General encouraged the implementation of a framework of cooperation, which was signed on 3 May 2022, by the Ukrainian government and the United Nations as a step forward in commitment to actions that strengthened support for war and violence victims, thus promoting and directing the police forces and legal operators⁵.

Within this framework, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in its first report, which was published in April 2022, affirmed that the war Moscow mechanism of raping women, trafficking, forced prostitution and of other forms of sexual exploitation has affected the physical

⁴Report of the Secretary-General on conflict-related sexual violence, S/2023/413, 22 June 2023, para. 4: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/07/N2312781.pdf>

⁵Framework on cooperation between the Government of Ukraine and the UN on prevention and response to conflict related sexual violence, 3 May 2022.

and mental health of victims⁶.

The Council of Europe has documented in the Commissioner for Human Rights a memorandum, which was published on 8 July 2022,⁷ reporting many cases of sexual violence. This document also adopted by the President of the European Court of Human Rights Siofra O'Leary through an exchange of opinions with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) regarding the prevention and combating the violence against women⁸.

⁶Benedek, W., Bílková, V., Sassòli, M. (2022). Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine since 24 February 2022 (OSCE Moscow Mechanism Report I), ODIHR.GAL/26/22/Rev.1, 13 April 2022.

⁷Commissioner for Human Rights, Memorandum on the human rights consequences of the war in Ukraine, CommDH(2022)18, 8 July 2022: <https://rm.coe.int/memorandum-on-the-human-rights-consequences-of-the-war-in-ukraine/1680a72bd4>

⁸European Court of Human Rights, Exchange of views with the Group of Experts on Action against Violence against Women and Domestic Violence

The Resolution n.2476(2023) entitled “Conflict-related sexual violence” in the Parliamentary Assembly of the Council of Europe took a stand and condemned the mass sexual violence that was committed by the armed forces of the Russian Federation against the civilian population of Ukraine. Especially, it encouraged Member States

“(…) to foster, in times of peace, non-violent, resilient societies based on equality and equal access to rights for all, as prerequisites for facing crises, defusing tensions which risk escalating into open conflict and minimizing its consequences;⁹ (…)

to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (better known as the Istanbul Convention) (De Vido, Frulli, 2023), while all other states are reiterated the obligation to guarantee solid and safe procedures for reporting sexual violence placed in peacetime, following the provisions of the Istanbul Convention, in order for these procedures to be

(GREVIO), 7 February 2023.

⁹Parliamentary Assembly of the Council of Europe, Conflict-related sexual violence, resolution 2476(2023), 24 January 2023, para. 5.

operational also when applied to sexual violence in conflict-related situations (...)” (Kanbur, 2021)¹⁰.

During the Reykjavík Summit on 16 and 17 May 2023¹¹, the participating Heads of state and government of the Member States of the Council of Europe (members of the Russian Federation ceased their participation following and definitively expelled on 16 March 2022) accepted Ukraine's full participation in the Istanbul Convention based on Art. 2, par. 3: “in peacetime and in situations of armed conflict”.

Acts of sexual violence are acquired by the European Union based on the relevant restrictive measures that are adopted on 7 March 2023 against command and police officers, who had Russian nationality and consequently were responsible for serious violations of human rights and women.

The reasons given by the Council were based on serious violence

¹⁰Parliamentary Assembly of the Council of Europe, conflict-related sexual violence, op. cit., para. 9.1.

¹¹Council of Europe, United around our values-Reykjavík Declaration, 16-17 May 2023.

reported, as well as offensive conduct according to a criminal plan against the female population of Ukraine¹².

The EU Global Human Rights Sanctions Regime stated:

“(...) sexual violence based on gender (...) extent to which such violations or abuses are widespread, systematic or otherwise cause serious concern regarding the common foreign and security policy objectives established in Article 21 TEU (...)”¹³ sanctioning measures that were preceded by the Conclusions of the Foreign Affairs Council of 14 November 2022 in which the Council of Twenty-Seven had expressed profound concern for the retreat in the full and equal enjoyment of human rights by women in some regional contexts which, although for non-overlapping reasons, still appear particularly critical today (in

¹²Council Decision (CFSP) 2023/501 of 7 March 2023 amending Decision (CFSP) 2020/1999 concerning restrictive measures against serious human rights violations and abuses, ST/6752/2023/INIT, OJ L 69I, 7.3.2023, p. 11-20.

¹³Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, OJ L 410I, 7.12.2020, p. 13-19, in particular art. 1, par. 1, lett. d), ii).

particular, Ukraine, Afghanistan and Iran)¹⁴.

The “concept of war” is the one relating to the link between armed conflict and sexual violence, a connection which, in the UN, is to be identified in the aforementioned syntagm “conflict-related sexual violence”. The impunity of such international crimes within the Ukrainian conflict has stimulated the related collaboration with the Agency of the European Union for Criminal Judicial Cooperation (Eurojust) and the ICC facilitating the related conduct for the initiation and continuing work of investigations stimulating thus the EU's contribution to prosecuting such crimes and playing an important role in the impunity of these crimes in armed conflicts, while also promoting gender equality, as a striking example of a post-conflict situation.

¹⁴Council of the EU, Conclusions on women, peace and security, press release no. 941 of 14 November 2022: <https://www.consilium.europa.eu/en/press/press-releases/2022/11/14/council-conclusions-on-women-peace-and-security/pdf/>

“Conflict-related sexual violence” within the UN’s framework

The framework of the United Nations has been developing and working on the topic relating to women's rights, starting from Art. 1 of the Universal Declaration of Human Rights of 1948, which stated that: “human beings are born free and equal in dignity and rights”. Gender discrimination and the continued realization of equality between men and women was a main topic for the international community starting from the World Conference on Women of 1975, as an international instrument of a binding and hard law nature for women for equality with men in the field of private and public life.

Already, the General Assembly of 18 December 1979 dealt with the international human rights treaties of the United Nations, including the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), thus providing a formal definition for the prohibition of:

“(...) discrimination against women (Freeman, Chinkin, Rudolf, 2012)¹⁵. Its substantial configuration aimed at determining effective protection through the provision of positive obligations weighed on states (...)” (Raday, 2012)¹⁶.

The CEDAW’s provisions particularly have expressed violence against women for the experts of the Committee on the Elimination of Discrimination against Women under the Convention (CEDAW Committee) through an interpretation of the cases for the Convention.

With the General Recommendation no. 19 of 1992 the Committee stated that:

15Art. 1 CEDAW: “(...) the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (...)”.

16See Articles 6-16 of CEDAW.

“(...) gender violence exercised against women¹⁷ represents a form of discrimination that hinders the enjoyment of human rights and fundamental freedoms (...). Violence, in its various forms, constitutes an obstacle to the pursuit of the objectives indicated by CEDAW itself (...)” (Reddock, 2022)¹⁸.

¹⁷UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 19: Violence against women, 1992, para. 6. General Recommendation No. 35 del 2017.

¹⁸The general recommendations deal with measures that have influenced the development of protection tools adopted at a regional level. It was the Council of Europe convention relating to the prevention and fight against violence against women and domestic violence, i.e. the Istanbul Convention where it was stated that: “(...) gender-based violence against women of which to art. 3, letter. d) and in the Explanatory Report which was made part of the Istanbul Convention the relevant notion was equivalent to the content of the General Recommendation No. 19 (Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, 11 May 2011, para. 44)”. We can also notice the same reference in Art. 69 of the Istanbul Convention where according to the GREVIO it allowed the faculty to adopt the relative general recommendations of the explanatory report also specifying the

This is an instrumental interpretation for the evolution of a conventional system that gives an armed conflict a suitable cause for inequalities in conduct and criminal practices causing harm to women. It also stated that:

“(...) Art. 6 of the Convention which requires states to adopt adequate measures to repress the trafficking and exploitation of female prostitution¹⁹ (...) wars, armed conflicts and the occupation of territories constitute factors in the increase of prostitution, trafficking and sexual violence on women (...)”.

Additionally, the General Recommendation n. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations has

relative provision that inspired Art. 21 CEDAW as circumstances where the recommendations that effectively contributed to the conventional provisions that are referred to are not legally binding. On the subject see also: Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, op. cit., para. 359).

19Art. 6 CEDAW: “(...) States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (...)”.

underlined that the protection of women's rights in times of peace and in conflict and post-conflict situations is to be included among the objectives of the Convention, so that states are required to ensure compliance with their obligations under the Convention even during conflicts and states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the state party²⁰.

General Recommendation no. 38 on trafficking in women and girls in the context of global migration, was dedicated to Art. 6 of the Convention, referring to trafficking in human beings, forced displacements caused by conflict. It was based on the escape from armed conflicts, on migratory flows where the gender connected to trafficking has to do with sexual

²⁰UN Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 1 November 2013, para. 2:
<https://www.refworld.org/legal/general/cedaw/2013/en/53711>

exploitation. The Committee thus adopted some protection measures for migrant women, who were outside the conflict zones and were in need. The CEDAW Committee was at the forefront to recommend states to combat the impunity for violations of women's rights in cooperation and collaboration of other judicial systems with the ICC recognizing thus the victims in the same level of reparation measures²¹.

General Recommendation's no. 38 guidelines highlighted that:

“(...) judicial stereotypes based on gender (...) constitute an obstacle to the effectiveness of the jurisdictional protection of victims, effectively creating a real secondary victimization of the offended parties (...)”²² both in the activity of drawing up

²¹UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38, 20 November 2020: <https://www.refworld.org/legal/general/cedaw/2020/en/123433>

²²Working Group in charge of drafting CEDAW General Recommendation No. 38 on “Trafficking in Women and Girls in the Context of Global Migration”, Guidelines on CEDAW General Recommendation No. 38 on Trafficking in Women and Girls in the Context of Global Migration,

general recommendations and in examining complaints of violation of the aforementioned Convention presented by individuals or groups of people²³, concerning violence and armed conflicts and providing an impetus to the action of the Security Council on the matter (O'Rourke, Swaine, 2018). This (...) is within the scope of the Women, Peace and Security Agenda (...), a living document of the Security Council composed of a set of thematic resolutions periodically updated since 2000 (Nolte, 2008; Renzulli, 2017)²⁴ and concerning the promotion of the female role in peace processes and conflict

CEDAW/C/G38, 10 January 2023, 89ss.

²³See in particular the *Alonzo and others v. The Republic of the Philippines* case of 3 March 2023, CEDAW/C/84/D/155/2020 where the CEDAW committee placed for the state of the Philippines the accusation of Articles 1 and 2, lett. b) and c) of the convention referring to the lack of recognition for the reparation measures and the group of women who suffered sexual violence by the Japanese army during the Second World War.

²⁴UN Security Council, Resolution 1325(2000) on Women, Peace and Security, S/RES/1325(2000), 31 October 2000:
<https://www.un.org/womenwatch/osagi/wps/>

prevention (so-called women's empowerment' resolutions)²⁵
 (...) prevention and the fight against sexual violence in armed
 conflicts (so-called sexual violence resolutions)²⁶ (...) that the
 UN body has developed the notion of “conflict-related sexual
 violence” to indicate sexual violence occurring in a conflict or
 post-conflict setting that has a direct or indirect causal link with
 (...) ²⁷ rape, sexual slavery, forced prostitution, forced pregnancy,

25UN Security Council, Resolution 1889(2009), S/Res/1889(2009), 5 October 2009; Resolution 2122(2013), S/Res/2122(2013), 18 October 2013; Resolution 2242(2015), S/Res/2242(2015), 13 October 2015; Resolution 2493(2019), S/Res/2493, 29 October 2019; UN Security Council, Resolution 2538 (2020), S/Res/2538, 28 August 2020.

26UN Security Council, Resolution 1820(2008), S/Res/1820(2008), 19 June 2008; Resolution 1888(2009), S/Res/1888(2009), of 30 September 2009; Resolution 1960(2010), S/Res/1960(2010), 16 December 2010; Resolution 2106(2013), S/Res/2106(2013), 24 June 2013; Resolution 2272(2016), S/Res/2272(2016), 11 March 2016; UN Security Council, Resolution 2467(2019), S/Res/2467(2019), 23 April 2019.

27UN Security Council, Report of the Secretary-General on the implementation of Security Council resolutions 1820 (2008) and 1888 (2009), A/65/592- S/2010/604, 24 November 2010, para. 5.

forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity (...) that is directly or indirectly linked to a conflict (...)”²⁸.

The perpetrators of the crime whether they deal with state or non-state armed forces are connected with the victims that are subjects of a sexual orientation and a gender identity. The perception of a climate of impunity repeats acts of violence in any criminal conduct where crimes against humanity and war crimes according to the Statute of the ICC involve injuries relating to dignity, psycho-physical integrity of every human being, for every woman, who finds herself in the situation of humiliation, domination, fear, dispersion and/or forced relocation²⁹.

The CEDAW Committee through a recommendation, that

²⁸Report of the Secretary-General on Conflict-related sexual violence, S/2023/413, 22 June 2023, para. 5.

²⁹UN Security Council, Resolution 1820(2008), S/Res/1820(2008), 19 June 2008: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>

referred to “conflict-related sexual violence”, showed that the phenomenon, through the fulfillment of obligations imposed on states of the convention³⁰, has to do with the collaboration of regional and global organizations having the spirit of “conflict-related sexual violence”, as a main object. In the same spirit, the Council of Europe and the EU have reached the Resolution n.2476 in 2023³¹.

30UN Committee on the Elimination of Discrimination against Women (CEDAW), Conflict-related sexual violence as Gender-based Violence against Women and Girls-CEDAW Convention, General Recommendations (Nos 35 And 30) and Practice of the Committee with Recommendations and Guidance to State Parties to the Convention, 1 September 2022.

31<https://pace.coe.int/en/files/31572>

Sexual and gender-based crimes of an armed conflict as a fight against impunity

Sexual violence is included in international criminal law by ad hoc tribunals as we have seen in the Prosecutor v. Akayesu case (Liakopoulos, 2019)³². Especially, in this case it was stated that sexual violence does not only include an ad hoc criminal conduct of rape but an act that a person commits in coercive circumstances, limiting the exercise of physical force on the victim with the aim of humiliate, discriminate and intimidate.

It is recognizable that rape also represents an act that resembles genocide by destroying an ethnic group as such. The atrocities continue in war scenarios, where the ICC has sought to protect sexual crimes as well as a conduct that is part of the crime of genocide and aggression:

³²ICTR, Prosecutor v. Jean-Paul Akayesu (Trial Chamber Judgement; case no. ICTR-96- 4-T), 2 September 1998. ICTR, Prosecutor v. Anto Furundzija (Trial Chamber Judgement; case no. IT-95-17/1-T), 10 December 1998.

“(...) for the sake of present and future generations (...)”

(Linton, Simpson, Schabas, 2015).

Sexual crimes have begun to make their performance through war crimes and crimes against humanity in Art. 7 StICC. This includes, in addition to rape, cases that are part of sexual slavery, forced prostitution, pregnancy and forced sterilization as well as “any other form of sexual violence of similar gravity”.

Furthermore, in the “Elements of Crimes” such crimes are characterized as:

“(...) part of a widespread or systematic attack against directed a civilian population (...)”³³.

In war crimes and particularly in art. 8 were included rape, enslavement, etc., as well as:

“(...) a form of sexual violence constituting a serious violation of the Geneva Conventions (...)”.

33 International Criminal Court (ICC), Elements of Crimes, 2013:
<https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

In international and internal conflicts their codification is also included in criminal cases, where the hierarchical relationship did not prevent the ICC from functioning. The repression of such crimes are affirmed in 2024 by the ICC Prosecutor Fatou Bensouda:

“(...) a decisive change of approach through the adoption of the Policy Paper on Sexual and Gender-Based Crimes (...)”
(Oesterveld, 2014)³⁴.

Introduce the gender perspective in the phases of criminal proceedings in the ICC is made with the adoption of an approach of:

“(...) understanding of differences in status, power, roles, and needs between males and females, and the impact of gender on people's opportunities and interactions (...) to bring cumulative charges in order to reflect the severity and multi-faceted character of these crimes fairly, and to enunciate their range supported by the evidence in each case (...)”.

³⁴The Office of the Prosecutor, Policy Paper on Sexual and Gender-Based Crimes, June 2014.

According to the former Prosecutor Bensouda:

“(...) victim's experience should (...) be understood and documented in a comprehensive manner, as well as with a specialized focus on sexual or gender-based crimes”,

where relevant evidence of the impact of the sexual and gender-based crimes on the victims, their families, and the community as a whole, by way of victim or expert testimony and written statements is given.

The ICC has continued to be weak in this area. Pursuing the sexual and gender-based crimes means dealing with continuous progress towards the fight against impunity as an influence that has been exerted by the policy paper and as recorded by the Gender Report Card of 2018. For the first time, the ICC has attempted to include the matter in the trial phase as 16 out of 26 cases being sent to trial included charges for sexual and gender-based violence in conflict zones (Altunjan, 2021)³⁵.

³⁵Women's Initiatives for Gender Justice, Gender Report Card on the ICC 2018, 42.

The relevant contribution to the ICC described elements having to do with sexual crimes that are committed in conflicts. In the Prosecutor v. Ongwen (Nortje, 2024) case³⁶ it was affirmed that:

“(...) the case of war rape (...) once the coercive nature of the context has been demonstrated, it is not necessary for the prosecution to further prove the absence of consent of the victim (...) coercion may be inherent in certain circumstances, such as armed conflict or the military presence of hostile forces amongst the civilian population. Several factors may contribute to creating a coercive environment, such as the number of people involved in the commission of the crime, or whether the rape is committed during or immediately following a combat situation or committed together with other crimes (...)”³⁷.

The gender perspective was also reported by the new Prosecutor Karim AA Khan KC, where he started a related process of reviewing and updating the related Policy Paper on Sexual and

36ICC, Prosecutor v. Dominic Ongwen (Trial Chamber Judgement; case no. ICC-02/04- 01/15), 4 February 2021; (Appeals Judgment, case no. ICC-02/04-01/15-2023), 15 December 2022.

37ICC, Prosecutor v. Dominic Ongwen, op. cit., para. 2710.

Gender-Based Crimes, as an effective objective for the investigation and prosecution of sexual and gender-based crimes at regional level, that are marked during a global armed conflict³⁸.

EU's aid regarding the conflict-related sexual violence in Ukraine and beyond

Speaking for a European judicial cooperation of a global model has now become a never-ending reality in recent years, as a command that transcends national borders to address violence against women. After the Russian-Ukrainian conflict, the EU adopted measures to address the risk of forms of exploitation and abuse.

On the side of the Council we have the Directive 2001/55/EC on temporary protection, as an immediate guarantee practice

38ICC, Statement-The Office of the Prosecutor launches public consultation to renew Policy Paper on Sexual and Gender-based Crimes, 12 May 2023: <https://www.icc-cpi.int/news/office-prosecutor-launches-public-consultation-renew-policy-paper-sexual-and-gender-base>

towards displaced persons from Ukraine and access to the related enjoyment of the right of residence, to the job market, to housing and medical and social assistance for vulnerable victims who:

“(...) have suffered torture, rape or other serious forms of psychological, physical or sexual violence (...)”³⁹.

For the European Parliament, this Directive represents the beginning for the resolution of 5 May 2022 related to the impact of the war against Ukraine on women. It represents a particular act of action to be pursued and adequately protected for women, girls in escape from a war conflict⁴⁰.

³⁹Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12–23, in particular art. 13, par. 4.

⁴⁰European Parliament resolution of 5 May 2022 on the impact of the war against Ukraine on women (2022/2633(RSP)), OJ C 465, 6.12.2022, p. 155-163.

The Assembly of representatives of the citizens of the Union condemned any use of sexual violence as a weapon of war underlining that the coordination and collection of continuous testimonies of the victims make the ICC ready to punish those responsible for these types of crimes. The EU thus supports the ICC given that from an official point of view since 2006 it has signed an assistance agreement with the ICC, where in reality laid the foundations for promoting participation according to the Statute of Rome⁴¹.

The related text recalled Art. 87, par. 6 StICC and the related opportunity to collaborate with intergovernmental organizations for information, documents that also achieved beyond “other forms of cooperation and assistance”.

The law of the Union in parallel with the Statute of the Rome respect human rights and the maintenance of international peace and security in terms of cooperation and assistance. They have exclusively helped and supported the ICC in theory thus

⁴¹Agreement between the International Criminal Court and the European Union on cooperation and assistance, OJ L 115, 28.4.2006, p. 50-56.

prescribing actions where the exchange of information and documents are of mutual interest and the management of sensitive information has not been overlooked. Thus, in a secure manner, the collection of testimonies should render the functions and prosecutor's work of the ICC appropriate.

Prosecuting serious human rights violations in the Russian-Ukrainian conflict is the basis of protocols of aid for the maintenance of a high level of cooperation between Union and ICC through joint investigations. The joint investigation team was composed of EU Member States in order to coordinate together with the office of the prosecutor of the ICC the collection and sharing of information to competent investigative authorities. The evidentiary material (Liakopoulos, 2019), collected from Ukraine and other states who have active wars, puts at the forefront the cases of sexual violence that are committed in a conflict zone⁴².

⁴²Eurojust, Eurojust supports joint investigation team into alleged core international crimes in Ukraine of 28 March 2022: <https://www.eurojust.europa.eu/joint-investigation-team-alleged-crimes->

Overall, there are many initiatives both at the European level and the ICC with the final objective of pursuing international justice. Within this framework, Eurojust has also supported for years through joint investigation teams and especially after 2022 several forms of cooperation between Member States of the Union under the coordination of the European agency, which also participates in third countries by the office of the prosecutor of the ICC (Liakopoulos, 2019) but always within a context and final objective of carrying out its work against global impunity.

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